

374.37564A00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#15

Applicant: WEISS, Lawrence D., et al.

Serial No.: 09/807,444

PCT No.: PCT/US99/22904

International Filing Date: October 1, 1999

Priority Date: October 2, 1998

PCT Petitions Attorney: Richard M. Ross

RECEIVED

MAR 04 2004

OFFICE OF PETITIONS

For: SYSTEM AND METHOD OF ADVISING BUYERS HOW MUCH TO
PAY FOR GOODS AND SERVICES BASED ON DEMOGRAPHICS

RENEWED PETITION UNDER 37 CFR §1.137(b)

Assistant Commissioner
for Patents
Washington, D.C. 20231

August 21, 2001

Dear Mr. Richard M. Ross:

In response to your Decision on the Petition to Revive Abandoned Application under 37 CFR §1.137(b), mailed July 24, 2001, and requiring a response by September 24, 2001, this response is properly filed by September 24, 2001.

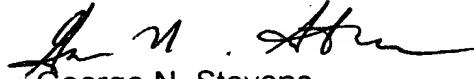
Please find attached a United States Patent and Trademark Office form no. 2038, "Credit Card Payment Form", in the amount of \$620.00.

With the filing of the foregoing fee, it is respectfully requested that the Petition to Revive Abandoned Application no. 09/807,444 under 37 CFR §1.137(b) be granted. Should the petitions' attorney wish to speak to the undersigned attorney, he is invited to call him at (703) 312-6675. Sale Ref: 00000002 DAA: 012135 09807444

To the extent necessary, please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees or credit any

overpayment of fees to the deposit account of Antonelli, Terry, Stout & Kraus, LLP.,
Deposit Account No. 01-2135 (referencing case No. 374.37564A00).

Respectfully submitted,



George N. Stevens
Registration No. 36,938
ANTONELLI, TERRY, STOUT & KRAUS, LLP

GNS/pay
(703) 312-6600

Attachments

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WEISS, Lawrence D., et al.

Serial No.: 09/807,444

PCT No.: PCT/US99/22904

International Filing Date: October 1, 1999

Priority Date: October 2, 1998

PCT Petitions Attorney: Richard M. Ross

For: **SYSTEM AND METHOD OF ADVISING BUYERS HOW MUCH TO
PAY FOR GOODS AND SERVICES BASED ON DEMOGRAPHICS**

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MAR 04 2004

OFFICE OF PETITIONS

PETITION TO REFUND EXCESS FEES PAID

Assistant Commissioner
for Patents
Washington, D.C. 20231

August 21, 2001

Dear Mr. Richard M. Ross:

In the Decision on Petition to Revive Abandoned Application under 37 CFR §1.137(d) it is stated that the charge to the authorized credit card was rejected. This rejection of the credit card payment is respectfully traversed and a request for refund of excess fees paid is respectfully requested.

As evidenced by the attached copy of return post card for application serial no. 09/807,444, fees in the amount of \$685.00 were authorized for the foregoing filing of the Petition to Revive and the filing of a late Declaration. As further evidenced by the attached copy of American Express charge account 3782-966500-11008 a charge for \$685.00 which would include the Petition fee of \$620.00 and the late Declaration fee of \$65.00 were charged to the foregoing credit card account on April 30, 2001. Still further, as evidenced by a letter to U.S. Commissioner of Patents, herein attached, in item 1 listed therein is included a credit card payment

form for \$685.00 for the Petition to Revive and unintentional abandonment of a PCT application and late filing of the oath and Declaration thereof.

In conjunction with the filing of this Petition to Revive, it should be noted that as evidenced by the foregoing mentioned letter to the U.S. Commissioner of Patents a credit card payment form for \$1,248.00 for entry into the U.S. national stage was filed along with the foregoing Petition to Revive. This entry into the U.S. national stage was granted an application no. 09/807,443. It is respectfully suggested that possibly the wrong file may have been credited with the \$685.00 mentioned above.

An investigation as to the charges related to application serial no. 09/807,443 and 09/807,444 is respectfully requested. It should be further noted that in application 09/807,444 that a copy of the international application was filed therein. However, it was the intent of the Applicants that this international application which included a specification be made part of application serial no. 09/807,443 required for entry into the U.S. national stage. Should the PCT Petitions Attorney have any questions, he is encouraged to contact the undersigned attorney at (703) 312-6675.

To the extent necessary, please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees or credit any overpayment of fees to the deposit account of Antonelli, Terry, Stout & Kraus, LLP., Deposit Account No. 01-2135 (referencing case No. 374.37564A00).

Respectfully submitted,



George N. Stevens
Registration No. 36,938
ANTONELLI, TERRY, STOUT & KRAUS, LLP

GNS/pay
(703) 312-6600

Attachments

Reference Number	Item Number	Description of Monthly Activity	Charges	Credits
501124	465	US PATENT & TRADEMARWASHINGTON, DC DC 012316233 GOVT. SVCS. NOT ELSEWHE 04/26/01	170.00	
501124	466	US PATENT & TRADEMARWASHINGTON, DC DC 012316233 GOVT. SVCS. NOT ELSEWHE 04/26/01	240.00	
501124	467	US PATENT & TRADEMARWASHINGTON, DC DC 012316233 GOVT. SVCS. NOT ELSEWHE 04/26/01	240.00	
501124	468	US PATENT & TRADEMARWASHINGTON, DC DC 012316233 GOVT. SVCS. NOT ELSEWHE 04/27/01	250.00	
501124	469	US PATENT & TRADEMARWASHINGTON, DC DC 012316233 GOVT. SVCS. NOT ELSEWHE 04/27/01	960.00	
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501124	471	US PATENT & TRADEMARWASHINGTON, DC DC 012316233 GOVT. SVCS. NOT ELSEWHE 04/27/01	880.00	
501124	472	US PATENT & TRADEMARWASHINGTON, DC DC 012316233 GOVT. SVCS. NOT ELSEWHE 04/27/01	240.00	
501124	473	US PATENT & TRADEMARWASHINGTON, DC DC 012316233 GOVT. SVCS. NOT ELSEWHE 04/27/01	840.00	
501124	474	US PATENT & TRADEMARWASHINGTON, DC DC 012316233 GOVT. SVCS. NOT ELSEWHE 04/27/01	710.00	
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501124	476	US PATENT & TRADEMARWASHINGTON, DC DC 012316453 GOVT. SVCS. NOT ELSEWHE 04/30/01	160.00	
501124	477	US PATENT & TRADEMARWASHINGTON, DC DC 012316453 GOVT. SVCS. NOT ELSEWHE 04/30/01	585.00	
501124	478	US PATENT & TRADEMARWASHINGTON, DC DC 012316453 GOVT. SVCS. NOT ELSEWHE 04/30/01	890.00	
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501124	494	US PATENT & TRADEMARWASHINGTON, DC DC 012317282 GOVT. SVCS. NOT ELSEWHE 05/01/01	240.00	
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OFFICE OF PETITIONS

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EMAIL
email@antonelli.com

April 25, 2001

U.S. Commissioner of Patents
PCT Branch Legal Department
Washington, D.C. 20231


Sir:

Please find enclosed the following items intended to revive an unintentionally abandoned PCT application number PCT/US 99/22904.

1. Credit card payment form for \$685.00 for the petition to revive unintentionally an abandoned PCT application and late filing of the Oath and Declaration.
2. PCT application as originally filed.
3. Revised PCT application.
4. Fee transmittal form for the revival of the PTC application.
5. Petitioner for revival of international application for patent designating the U.S. abandoned unintentionally under 37 CFR 1.137 (b).
6. Signed Declaration and Power of Attorney.
7. All PCT related correspondence.
8. Article 34 amendment.
9. 363 in formal drawings.
10. Credit card payment form for \$1,248.00 for entry into the U.S. national stage.
11. Utility patent application transmittal form.
12. Fee transmittal form.
13. Preliminary amendment.
14. 363 pages of formal drawings.

It is respectfully requested that this petition to revive the international application for patent be approved.

Sincerely,


George N. Stevens
Registration No. 36,938

HAND CARRY TO: PCT BRANCH

Patent ☒ Trademark ☐

374.37564A00

Serial No. PCT/US99/22904

Filed April 25, 2001

Applicant(s) WEISS et al

Papers filed herewith on April 25, 2001

Rec'd PCT/PTO 25 APR 2001

☒ Fees \$ 685.00

☒ New Application

☐ Amendment

☐ Notice of Appeal

☐ Appeal Brief

☒ Other Copy of orig. App. (44 pgs.); ~~Power of~~ ^{DECLARATION AND}

☐ Assignment

☐ Letter to Draftsman

☐ Priority Documents

☐ Petition for Ext. of Time

☐ Sheets of Formal Drawings

Attorney; Art. 19 Amd. w/97 claims; Art. 34 Amd.; 363

shts. of informal drws.; Pet. to Revive (PTO/SB/64/PCT);

Receipt is hereby acknowledged of the papers filed as indicated in connection with above identified case.

COMMISSIONER OF PATENTS AND TRADEMARKS

Credit Card Pymt. Form; and PCT correspondence

09/807444

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HAND CARRY TO: PCT BRANCH

Patent ☒ Trademark ☐ 374.37564X00

Serial No. New Appln. Filed April 25, 2001

Applicant(s) WEISS et al **Rec'd PCT/PTO 25 APR 2001**

Papers filed herewith on April 25, 2001

- | | |
|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Fees \$ <u>1,248.00</u> | <input type="checkbox"/> Assignment |
| <input checked="" type="checkbox"/> New Application | <input type="checkbox"/> Letter to Draftsman |
| <input checked="" type="checkbox"/> Amendment Preliminary | <input type="checkbox"/> Priority Documents |
| <input type="checkbox"/> Notice of Appeal | <input type="checkbox"/> Petition for Ext. of Time |
| <input type="checkbox"/> Appeal Brief | <input checked="" type="checkbox"/> <u>363</u> Sheets of Formal Drawings |
| <input checked="" type="checkbox"/> Other <u>Utility App. Trans.; Fee Trans.; Credit</u> | |

Card Payment Form

* PTO did not prevail

09/807443

Receipt is hereby acknowledged of the papers filed as indicated in connection with above identified case. 44 pages - COMMISSIONER OF PATENTS AND TRADEMARKS

0-3 SPECIFICATION

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WEISS, Lawrence D., et al.
Serial No.: 09/807,444
PCT No.: PCT/US99/22904
International Filing Date: October 1, 1999
Priority Date: October 2, 1998
PCT Petitions Attorney: Richard M. Ross
For: SYSTEM AND METHOD OF ADVISING BUYERS HOW MUCH TO
PAY FOR GOODS AND SERVICES BASED ON DEMOGRAPHICS

LETTER TO PCT PETITIONS ATTORNEY RICHARD M. ROSS

Assistant Commissioner
for Patents
Washington, D.C. 20231

August 21, 2001

Dear Mr. Ross:

As evidenced by the returned post card for application serial no. 09/807,443 and 09/807,444 the Applicants in this case have attempted to revive an abandoned PCT application and enter the U.S. national stage for prosecution. As evidenced by the attached letter dated April 25, 2001, a total of 14 separate items were filed and hand carried to the PCT Branch, including two separate fees, one for \$685.00 and the second for \$1,248.00. Apparently, this particular petition to revive and entry into the national stage have become bifurcated into two separate files. It is respectfully requested that you retrieve these separate files and suggest a method by which the

undersigned attorney may correctly file for a Petition to Revive an Abandoned PCT application and entry into the national stage.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. N. Stevens", written over the printed name.

George N. Stevens

Registration No. 36,938

ANTONELLI, TERRY, STOUT & KRAUS, LLP

GNS/pay
(703) 312-6600

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*ADMITTED OTHER THAN VA

LAW OFFICES
ANTONELLI, TERRY, STOUT & KRAUS, LLP
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April 25, 2001

OF COUNSEL
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LARRY N. ANAGNOS

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U.S. Commissioner of Patents
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Sincerely,



George N. Stevens

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OFFICE OF PETITIONS

HAND CARRY TO: PCT BRANCH

Patent ☒

Trademark ☐

374.37564A00

Serial No. PCT/US99/22904

Filed April 25, 2001

Applicant(s) WEISS et

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☒ Fees \$ 685.00

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Attorney; Art. 19 Amd. w/97 claims; Art. 34 Amd.; 363

shts. of informal drws.; Pet. to Revive (PTO/SB/64/PCT);

Receipt is hereby acknowledged of the papers filed as indicated in connection with above identified case.

COMMISSIONER OF PATENTS AND TRADEMARKS

Credit Card Pymt. Form; and PCT correspondence

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HAND CARRY TO: PCT BRANCH

Patent ☒ Trademark ☐ 374.37564X00

Serial No. New Appln. Filed April 25, 2001

Applicant(s) WEISS et al

Papers filed herewith on April 25, 2001

- ☒ Fees \$ 1,248.00 ☐ Assignment
☒ New Application ☐ Letter to Draftsman
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☒ Other Utility App. Trans.; Fee Trans.; Credit

Card Payment Form

* PTO did not receive

09/807443

Receipt is hereby acknowledged of the papers filed as indicated in connection with above identified case. 44 pages COMMISSIONER OF PATENTS AND TRADEMARKS

02 SPECIFICATION

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JUL 24 2001
UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

George N. Stevens
ANTONELLI, TERRY, STOUT & KRAUS
1300 N. 17th Street, Suite 1800
Arlington, Virginia 22209

374. 37564A00
Renewed petition 9/24/01

In re Application of
WEISS, Lawrence D., et al.
U.S. Application No.: 09/807,444
PCT No.: PCT/US99/22904
International Filing Date: 01 October 1999
Priority Date: 02 October 1998
Attorney's Docket No.: 374 37564A00
For: SYSTEM AND METHOD OF ADVISING
BUYERS HOW MUCH TO PAY FOR GOODS
AND SERVICES BASED ON DEMOGRAPHICS :

CUBIENS
DECISION ON PETITION
TO REVIVE ABANDONED
APPLICATION UNDER 37
CFR 1.137(b)

This decision is issued in response to applicants' Petition for Revival under 37 CFR 1.137(b) filed on 25 April 2001. Applicants have paid the required small entity petition fee.

BACKGROUND

On 01 October 1999, applicants filed international application PCT/US99/22904 which claimed a priority date of 02 October 1998 and which designated the United States.

On 20 April 2000, a Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of nineteen months from the priority date. As a result, the deadline for payment of the basic national fee was extended to expire thirty months from the priority date, i.e., 02 April 2001.

On 25 April 2001, applicants filed the Petition for Revival, with accompanying materials, considered herein.

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Regarding item (1), the "required reply," section 711.03(c) of the Manual of Patent Examining Procedures states that:

[g]enerally, the required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.

Here, a copy of the international application was not required because the international application was filed in the United States Receiving Office. The "required reply" was therefore payment of the basic national fee. The Petition for Revival was accompanied by a credit card authorization to charge applicants for the basic national fee. However, the charge to the authorized credit card was rejected. Thus, applicants have not made a submission which would have been "sufficient to have avoided abandonment" had it been made in a timely manner. Accordingly, applicants have not satisfied item (1).

Item (2) is the petition fee required under 37 CFR 1.17(m). The Petition for Revival was accompanied by a payment of the \$620 small entity petition fee. Item (2) is satisfied.

As for item (3), the Petition for Revival expressly states that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Item (3) under 37 CFR 1.137(b) is satisfied.

Under the terms of 37 CFR 1.137(c), the terminal disclaimer listed as item (4) above is not required for this application.

Based on the above, applicants have satisfied items (2)-(4) for a grantable petition, but have failed to satisfy item (1). Accordingly, the Petition for Revival cannot be granted at this time.

It is noted that applicants also submitted an executed declaration with the Petition For Revival. However, the declaration executes a different international application (PCT/US99/22909) and therefore is unacceptable under 37 CFR 1.497.

CONCLUSION

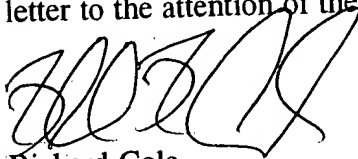
Applicants Petition for Revival is **DISMISSED** without prejudice. The application remains **ABANDONED** with regards to national stage processing in the United States.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within **TWO (2) MONTHS** from the mail date of this decision. The proper reply would be payment of the required basic national fee. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.13(a).

Application No. 09/807,444

3

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Richard Cole
PCT Legal Examiner
PCT Legal Office

RMR/RC:rmr



Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459